

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

IN RE MICROSOFT CORP.
ANTITRUST LITIGATION.

MDL Docket No. 1332

Hon. J. Frederick Motz

This Document relates to:

Burst.com, Inc. v.
Microsoft Corp.,

Civil Action No JFM-02-cv-2952

**BURST.COM, INC.'S MOTION TO COMPEL MICROSOFT TO PRODUCE
DOCUMENTS RELATING TO ITS DOCUMENT PRESERVATION POLICY AND
CERTIFICATE OF CONFERENCE**

Pursuant to Local Rules 104.8(c), Burst.com, Inc. herewith files its briefing on Burst.com's Motion to Compel Microsoft to Produce Documents Relating to Its Document Preservation Policy and certification of a conference of counsel as required by Local Rule 104.7. See Exhibits A-C. Microsoft has previously filed its Opposition Brief. The parties have conducted conferences addressing the issues raised in the motion. Those conferences have been unsuccessful in resolving the issues presented in this motion.

DATED: September 30, 2004

SPENCER HOSIE (Ca Bar # 101777)
BRUCE J. WECKER (Ca Bar # 078530)
JOHN BURRITT McARTHUR (Ca Bar # 159793;
Texas Bar #13325650)
GEORGE F. BISHOP (Ca Bar # 89205)
JAMES T. McCARTT (Ca Bar # 121983)
HOSIE, FROST, LARGE & McARTHUR
One Market, Spear Street Tower, 22nd Floor
San Francisco, CA 94105
Telephone: 415-247-6000

ROBERT YORIO (Ca Bar # 93178))
CARR & FERRELL, LLP
2200 Geng Road
Palo Alto, CA 94303
Telephone: 650-812-3400

By /s/
Spencer Hosie
Attorneys for Plaintiff Burst.com, Inc.